

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

MULHERN GAS CO., INC., et al.,

Plaintiffs,

v.

ROBERT J. RODRIGUEZ, et al.,

Defendants.

Case No. 1:23-cv-01267 (GTS/CFH)

**STIPULATION AND
ORDER DEFERRING RULE 26(A)(1)
INITIAL DISCLOSURES**

STIPULATION

The parties' mandatory initial disclosures under Federal Rule of Civil Procedure 26(a)(1) are currently due January 3, 2024, seven days before the initial case management conference. ECF No. 4 at 6. In this matter, Plaintiffs challenge the facial validity of certain impending provisions of the New York Energy Law and New York Executive Law. Because the parties do not anticipate that this case will involve fact issues requiring discovery, the parties agree that exchanging initial disclosures as scheduled would not advance the resolution of this matter and therefore would present an unnecessary burden. The parties therefore jointly stipulate and request that the Court order as follows:

1. The requirement to serve initial disclosures under Rule 26(a)(1) is suspended.
2. If any of the following events occur, the requirement will be reinstated and the parties must exchange initial disclosures within 30 days, unless the Court sets a different time:
 - a. the parties agree to exchange initial disclosures;
 - b. the Court determines under Rule 56(d) that discovery is necessary to resolve an issue presented in a summary judgment motion; or
 - c. the Court otherwise orders the parties to exchange initial disclosures.

Dated: December 13, 2023

Respectfully submitted,

/s/ Sarah O. Jorgensen

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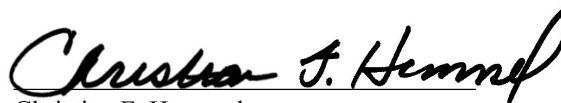
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IT IS SO ORDERED.

Dated: 12/15/2023



Christian F. Hummel
U.S. Magistrate Judge